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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,168	08/01/2001	John Kelley	08556-15USPT	5298

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,168

Applicant(s)

KELLEY, JOHN

Examiner

Anthony H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Clauditz (US 5,330,576).

Clauditz teaches a fluid system having a first fluid source 1 and a supply line 20 (Clauditz, Fig.1) for supplying a fluid to the press via a supply valve 41, second fluid source 2 and a second supply line for supplying fluid to the press via a supply valve 92 (Fig.4), a conduit 8 or a header 9 which communicates with the first and second supply lines, return line (no numeral reference) including a valve 39 and a conduit valve 130 (Fig.4) which control the flow of the first, second fluid to by pass the press.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2-15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Clauditz (US 5,330,576) in view of Marschke (US 5,967,044).

Clauditz teaches a fluid supply system having substantially the structure as recited. See the explanation of Clauditz above. Clauditz does not teach the programmable logic controller for actuating the valves to control fluid flow through the fluid supply system. However, Marschke teaches a fluid supply system having a programmable system controller 13 for actuating valves 18 to control fluid flow in the system (Marschke, fig.1 and the paragraph bridging cols.3 and 4). In view of the teaching of Marschke, it would have been obvious to one of ordinary skill in the art to modify the fluid supply system of Clauditz by providing the controller as taught by Marschke for optimal control of supplying fluid in a fluid supply system.

Claims 16-21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Clauditz (US 5,330,576).

Clauditz teaches a fluid supply system having substantially the method of supplying fluid to a press as recited except the step of draining the first fluid from the press via the drain tube. See the explanation of Clauditz above. However, to one of ordinary skill in the art, it would have been obvious to drain one of the fluids in Clauditz for cleaning after draining the liquid mixture or for proper mixing the second fluid since the valve 38 and 39 can be independently actuated to control the first fluid or the second fluid to pass through (col.7 lines 8-15).

Response to Arguments

Applicants' arguments filed on October 22, 2004 have been fully considered but they are not persuasive.

It is noted that claim 1 is rejected as being anticipated by Clauditz (US 5,330,576) instead of Kurz ('295) as argued by applicant. As explained in the Office Action, in the **35 U.S.C. § 102**

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section, the first sentence of the paragraph of the body of the rejection states that "Clauditz teaches...". The error is regretted.

Applicant argues that Clauditz fails to teach or suggest a cleaning fluid or air to bypass the printing press through a conduit.

However, as explained above, Clauditz teaches clearly the two supply lines which communicates with a conduit 8,9 as recited in claim 1. The combination of Clauditz and Marschke renders obvious the structure as recited in claims 2-15.

Applicant argues that Clauditz does not teach a conduit to allow a liquid or air to completely by pass the printing press through the return lined.

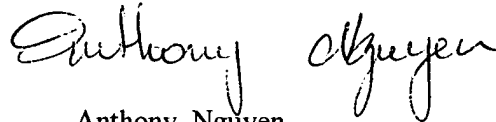
However, applicant's arguments are more specific than the limitations recited in the claims. For example, the term "liquid or air to completely by pass the printing press through the return line" cannot be found in the claims. Clearly, Clauditz teaches the fluid return line including a valve and a conduit valve so that the fluid from the lines can be controlled to by pass the press as shown in Figs.1 and 4. Also, as noted above, it would have been obvious to one of skill in the art to modify the valve of Clauditz so that the first and second can be controlled to pass through a drain tube for cleaning. Therefore, Clauditz renders obvious the structure as recited in claims 16-21.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the

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examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

A handwritten signature in cursive script, appearing to read "Anthony Nguyen".

Anthony Nguyen

1/7/05

Patent Examiner

Technology Center 2800